

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

DANIEL CHAPMAN,
SEAN FLANAGAN, and
HERBERT JACOBI,

Defendants.

2:03-cr-0347-JCM

ORDER

Presently before this Court is Defendant Daniel Chapman's motion to reopen motion for fees and costs (# 532), filed March 17, 2010, in which Defendants Sean Flanagan and Herbert Jacobi have joined (# 534). The motion seeks relief under Rule 60(d)(3) of the Federal Rules of Civil Procedure, alleging that the Government perpetrated a fraud on the court which justifies reopening this closed case for the purpose of granting Defendants' motions for attorneys' fees and costs under the Hyde Amendment. The Hyde motions were previously denied by this Court's order dated August 30, 2006 (# 386), and that Order was affirmed in *United States v. Chapman*, 524 F.3d 1073 (9th Cir. 2008). On April 2, 2010, the Government filed a response opposing the motion to reopen motion for fees and costs (# 535), and on April 12, 2010, Defendant Chapman filed a reply (# 536). On May 3, 2010, the Court heard oral argument by the parties on the motion to reopen motion for fees and costs. Defendants appeared in propria persona, with Defendant Jacobi appearing telephonically.

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1 Based upon the record in this case; the motion, response and reply; and the arguments
2 made at the motion hearing, this Court finds that Defendants have not established a fraud on the
3 court for purposes of relief under Rule 60(d)(3). Accordingly, IT IS HEREBY ORDERED,
4 ADJUDGED,
5 AND DECREED that the defendants' motion to reopen motion for fees and costs (# 532) is
6 DENIED.

7 DATED this 13 day of May, 2010.

James C. Mahan
UNITED STATES DISTRICT JUDGE